7th December 1961]

or the next session, both Houses agree in taking any modification in any such rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of effect, as the case may me, so however, that any modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

9. *Power to remove difficulties.*—(1) If any difficulty arises in giving effect to the provisions of this Act, the Government, as occasion may require, may, by order, do anything which appears to them necessary for the purpose of removing the difficulty.

(2) Every order issued under sub-section (1), shall, as soon as possible after it is issued, be placed on the table of both Houses of the Legislature. and if, before the expiry of the session in which it is so placed or the next session, both Houses agree in making any modification in any such order or other Houses agree that the order should not be issued, the order shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that order.

APPENDIX X.

REPORT OF THE SELECT COMMITTEE ON THE MADRAS PUBLIC TRUSTS (REGULATION OF ADMINISTRATION OF AGRICULTURAL LANDS) BILL, 1961 (L.A. BILL No. 47 OF 1961).

To

THE HONOURABLE THE LEGISLATIVE ASSEMBLY,
MADRAS.

The Select Committee appointed to consider the Madras Public Trusts (Regulation of Administration of Agricultural Lands) Bill, 1961 (L.A. Bill No. 47 of 1961) has the honour to make the following report.

2. The Bill was published in English in Part IV, Section 3 of the *Fort St. George Gazette Extraordinary*, dated the 29th September 1961, and in Tamil in the *Fort St. George Gazette*, dated the 11th October 1961.

3. The Committee was appointed by a resolution of the Assembly, dated 9th November 1961.

4. Eight Members of the Legislative Council were also invited by the Chairman to attend the meetings of the Committee.

5. The Committee met on the 20th and 21st November 1961 in the Committee Room, Legislators' Hostel, Mount Road, Madras and on the 22nd November 1961 in the Lounge Room, Fort St. George, Madras-9 and subjected the clauses of the Bill to a detailed scrutiny and has made some changes therein. Some of the important changes made by the Committee are noted below.

[7th December 1961]

Preamble.

The Preamble as it stood in the Bill originally made reference to exemption of agricultural lands of trusts under the Madras Land Reforms (Fixation of Ceiling on Land) Act, 1961. The Committee felt that there was no need to refer to that legislation as it has not yet become law. The preamble has been amended accordingly.

Clause 2.—This clause deals with the definitions. The Committee felt that it would be necessary to define the terms, "co-operative farming society", "date of the commencement of this Act," "forests", "inam land", "intermediary", "orchard", "plantations", "possessory mortgagee", "tope" and "transferred territory". Accordingly the above terms have been defined.

The Committee decided that the definitions of "cultivating tenant", "person", "to hold land" and "personal cultivation" should be amplified and these definitions have been amplified accordingly. The Committee also decided that the definition of "standard acre" should be self-contained.

Clause 5.—This clause originally provided a ceiling limit of 10 standard acres for personal cultivation by public trusts. The Committee was of the opinion that a unit of 10 standard acres might not be economical and therefore decided that the limit should be increased to 20 standard acres.

The Committee also decided that personal cultivation should be permitted only in the case of such of those institutions which are now having personal cultivation so as to avoid any eviction of existing tenants. The clause has been amended accordingly.

Clause 6.—This clause deals with the leasing out of excess lands. The Committee felt that a Co-operative Farming Society formed with the object of cultivating land belonging to public trust should also be allowed to take lands from a public trust on lease. The clause has been amended accordingly.

Clause 7.—Clause 7 of the Bill provided for the reversion on the notified date to the public trust of land held by cultivating tenant in excess of his ceiling area. The Committee decided that provision should also be made to cover cases where a cultivating tenant under any public trust acquires on or after the notified date by sale, lease, gift, exchange, surrender, agreement, settlement or otherwise any land which, together with the other land, if any, already held by him, exceeds in the aggregate the cultivating tenant's ceiling area. The Committee also decided that the cultivating tenant should have the option to select the land which should revert to the public trust and that even a tenant who is in possession of land but not contributing his own physical labour or that of any member of his family should also be governed by this provision. The clause has been amended accordingly.

7th December 1961]

Clause 8.—This clause deals with leasing of lands reverted under clause 7. The Committee decided that the lands may be leased out to a Co-operative Farming Society also. The clause has been amended accordingly.

Clauses 9 *and* 10.—Clauses 9 and 13 of the Bill as introduced provided for furnishing of returns by trusts and cultivating tenants in respect of the lands held by them and also of future acquisitions. The Committee decided to recast the clauses as clauses 9 and 10 one, dealing with the furnishing of returns by public trusts and another dealing with furnishing of returns by cultivating tenants both for lands held by them at the commencement of the proposed Act and for future acquisitions.

Clause 12.—Clause 11 of the Bill dealt with the action to be taken in a case where the authorized officer is satisfied that any land of the public trust is not leased out in accordance with the provisions of Chapter II. The clause empowered the authorized officer to take possession of the land and lease it out to tenants, collect the rent and pay to the trust, deducting 10 per cent by way of collection charges. The Committee felt that Government should not take over the lands and pay rent. It decided that the authorized officer should issue directions to the trustee to lease out lands to a person or persons chosen by him. Accordingly necessary changes have been made and the clause renumbered as clause 12.

Clause 13.—Clause 12 of the Bill provided that the Government may grant permission to public trusts for personal cultivation in certain cases. The Committee decided that the permission should be granted by the Board of Revenue and not by the Government. The Committee also decided to make changes on the lines of the amendment made in the new clause 12. The clause has been amended accordingly and renumbered as clause 13.

Clause 14.—Necessary changes in the light of the decision of the Committee in regard to new clause 12 have been made in this clause also.

Clauses 15 *and* 16.—The Committee decided that provision should be made in the Bill restricting the extent of land cultivated, by members of existing co-operative societies holding on lease land held by public trusts and also the extent of land to be leased out to the co-operative farming societies. Necessary provisions have been made in clauses 15 and 16.

Clause 19.—Clause 17 of the Bill provided for eviction of cultivating tenants in certain cases. The Committee decided to introduce a new provision to the effect that if a cultivating tenant failed to give notice of harvest to the public trust or if he removed the produce before sharing for two consecutive seasons, then also he should be liable for eviction. The clause has been amended accordingly and renumbered as clause 19.

Clause 27.—Clause 25 of the Bill provided for the sharing of produce. The Committee decided to recast the clause providing for the giving of notice of harvest to the public trust by the cultivating tenant and for applications to be made by the trustee of the public trust as well as the cultivating tenant to the authorized officer to depute an officer to make the division of the produce under certain circumstances. The clause has been amended accordingly, and renumbered as clause 27.

Clauses 36 *and* 40.—Clause 34 of the Bill dealt with the transfer of possession of land to tenant farming societies and clause 38 dealt with agreement regarding sharing of income, etc., to be executed by the member of a tenant farming society. The Committee decided that there should be a provision to the effect that a member of a tenant farming society should agree to continue to be a member of such society for a period of not less than five years and that in cases where such cultivating tenant withdraws or ceases to be a member, the land should still continue in the possession of the society to be allotted to a new member. These clauses have been amended accordingly and renumbered as clauses 36 and 40 respectively.

Clause 44.—Clause 42 of the Bill dealt with the concessions and facilities for tenant farming society. The Committee decided to delete sub-clause (2) as it felt that sub-clause (1) was wide enough to cover the matters specified in sub-clause (2) and that the Bill itself need not enumerate the concessions.

Clause 45.—Clause 43 of the Bill provided that the proposed Act should apply to tenant farming societies mentioned in the Schedule. The Committee decided that the Government should have power to include in or exclude from the Schedule any tenant farming society. The clause has been amended accordingly and renumbered as clause 45.

Clause 48.—This clause has been newly added consequent on the changes made in clauses 12, 13 and 14 empowering the authorized officer to issue direction to the trustee of the public trust to lease out lands to persons chosen by him.

Clause 51.—The provisions of the proposed Act applied to all lands held by the public trust. The Committee decided that the provisions of the proposed Act should not apply to the plantations or lands converted into orchards or topes or arecanut gardens or to any lands used for growing fuel trees or any land used exclusively for dairy-farming, poultry-farming or livestock breeding or lands used exclusively for grazing and assessed at Rs. 1.25 and below and certain other matters. Necessary provision has been made in clause 51.

Clause 52.—The Committee decided that there should be a provision in the Bill empowering the Government to exempt any land from the operation of all or any of the provisions of the

7th December 1961]

proposed Act having due regard to the object of the public trust and certain other matters. Necessary provision has been made in clause 52.

Clause 53.—The Committee decided that the proposed Act should apply to certain portion of land held by public trust in cases where any interest in the trust lands is reserved in favour of the founder of such trust. Necessary provision has been made in clause 53.

Schedule I.—The existing schedule has been re-numbered as Schedule II and a new schedule has been added in view of the introduction of the comprehensive definitions for the terms "standard acre" and "inam land".

6. Verbal and consequential alterations have also been incorporated in some of the clauses of the Bill.

7. A copy of the Bill as amended by the Select Committee is annexed to this Report.

8. The Committee considers that the changes made by the Committee are not of such important character as to require the republication of the Bill.

9. The Committee also decided to request the Speaker to order the circulation of the Report to the Members of the Legislature before presenting to the House under Rule 241-A of the Madras Legislative Assembly Rules.

10. Minute of Dissent given by a Member is appended.

FORT ST. GEORGE, MADRAS, 29th *November* 1961.

M. BHAKTAVATSALAM, *Chairman.*

ANNEXURE.

THE MADRAS PUBLIC TRUSTS (REGULATION OF ADMINISTRATION OF AGRICULTURAL LANDS) BILL, 1961 (L.A. BILL No. 47 OF 1961) (AS AMENDED BY THE SELECT COMMITTEE).

(Vide paragraph 7 of the Report.)

ARRANGEMENT OF CLAUSES.

CHAPTER I.

PRELIMINARY.

CLAUSES.

[7th December 1961

ANNEXURE—*cont*,

ANNEXURE—*cont*.

REGULATION OF CULTIVATION OF LANDS HELD BY PUBLIC TRUSTS.

CLAUSES—*cont*.

4 Regulation of cultivation of land held by public trusts.

5 Ceiling on personal cultivation by public trusts.

6 Land under personal cultivation of public trust in excess of twenty standard acres to be leased out.

7 Possession of land held by cultivating tenant to revert to public trust in certain cases.

8 Public trust to lease out land reverted under section 7, etc.

9 Furnishing of returns by public trust.

10 Furnishing of returns by cultivating tenant.

11 Collection of information.

12 Authorized officer to take action in certain cases.

13 Permission to public trust for personal cultivation in certain cases.

14 Authorized officer to choose persons to cultivate land mismanaged by public trusts.

15 Special provision in respect of lands already held by co-operative societies.

16 Restriction on the extent of land to be leased out to co-operative farming society.

17 Appeal.

CHAPTER III.

PROVISIONS RELATING TO TENANCIES.

18 Cultivating tenants not to be evicted.

19 Public trust may evict cultivating tenant in certain cases.

20 Right to restoration of possession.

21 Execution of lease.

22 Revision by the District Court.

CHAPTER IV.

FAIR RENT.

23 Rights and liabilities of cultivating tenant and public trust.

24 What is fair rent.

25 Fair rent may be paid in cash or in kind.

26 Alteration or revision of fair rent.

27 Sharing of produce.

28 Constitution of Rent Courts and Rent Tribunals.

29 Application to Rent Courts and appeals to Rent Tribunals.

7th December 1961]

CHAPTER V.

TENANT FARMING SOCIETIES.

CHAPTER VI.

PENALTIES AND PROCEDURE.

CHAPTER VII.

EXEMPTIONS.

CHAPTER VIII.

MISCELLANEOUS.

CLAUSES.

54 Power of Government to issue orders and directions to the authorized officer, etc.
55 Transfer of proceedings from one authorized officer to another.
56 Costs.
57 Indemnity.
58 Bar of jurisdiction of civil courts.
59 Power to make rules.
60 Power to remove difficulties.
61 Rules and orders to be placed before the Legislature.
62 Partial repeal of certain Acts.

SCHEDULE I.

SCHEDULE II.

THE MADRAS PUBLIC TRUSTS (REGULATION OF ADMINISTRATION OF AGRICULTURAL LANDS) BILL, 1961.

(*L.A. Bill No.* 47 *of* 1961.)

(As amended by the Select Committee.)

[NOTE—The changes made are side-lined or underlined and the portions omitted are indicated by dots.

A Bill to provide for regulating the administration, either by personal cultivation or by lease, of agricultural lands held by public trusts and for regulating the relation of public trusts and their cultivating tenants in the State of Madras.

.. ..

WHEREAS it is expedient to provide for regulating the administration, either by personal cultivation or by lease, of agricultural lands held by public trusts and for regulating the relation of public trusts and their cultivating tenants in the State of Madras.

AND WHEREAS such regulation will best subserve the common good and increase agricultural production;

BE it enacted in the twelfth year of the Republic of India as follows:—

CHAPTER I.

PRELIMINARY.

1. *Short title, extent and commencement.*—(1) This Act may be called the Madras Public Trusts (Regulation of Administration of Agricultural Lands) Act, 1961.

(2) It extends to the whole of the State of Madras.

(3) It shall come into force on such date as the State Government may, by notification, appoint.

7th December 1961]

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(1) " agriculture " includes—

(i) horticulture;

(ii) the raising of crops, grass or garden produce;

(iii) the use by an agriculturist of land held by him or part thereof for grazing;

(iv) the use of any land for the purpose of arising manure crops;

(v) dairy farming;

(vi) poultry farming;

(vii) growing of trees;

(viii) growing of trees;

and " agricultural " shall be constructed accordingly;

(2) " authorized officer " means any Gazetted Officer authorized by the Government by notification to exercise the powers conferred on, and discharge the duties imposed upon, the authorized officer under this Act for such area as may be specified in the notification;

(3) " co-operative farming society " means a society registered under the Co-operative Societies Act and consisting only of persons who have become members of that society with a view to cultivate land belonging to a public trust in accordance with the provisions of this Act;

(4) " Co-operative Societies Act " means the Act or Acts relating to co-operative societies for the time being in force in the State of Madras;

(5) " Cultivating tenant "—

(i) means a person who contributes his own physical labour or that of any member of his family in the cultivation of any land belonging to another, under a tenancy agreement, express or implied; and

(ii) includes—

(*a*) any such person who continues in possession of the land after the determination of the tenancy agreement; or

(*b*) the heir of such person, if the heir contributes his own physical labour or that of any member of his family in the cultivation of such land; or

(*c*) a sub-tenant if he contributes his own physical labour or that of any member of his family in the cultivation of such land;

but

(iii) does not include a mere intermediary or his heir.

[7th December 1961

Explanation.—For the purposes of Chapters III and IV, a co-operative farming society shall be deemed to be a cultivating tenant;

(6) "cultivating tenant's ceiling area" means five standard acres held by any person—

(*a*) (i) partly as cultivating tenant; and

(ii) partly as owner or possessory mortgagee; or

(*b*) wholly as cultivating tenant;

(7) "date of the commencement of this Act" means the date appointed by the Government under sub-section (3) of section 1;

(8) "fair rent" means the rent payable under Chapter IV;

(9) "forest" includes any waste land containing trees or shrubs;

(10) "garden land" means dry land irrigated by lifting water from wells or other sources;

(11) "Government" means the State Government;

(12) "to hold land" with its grammatical variations and cognate expressions means to own land as owner or to possess or enjoy land as possessory mortgagee or as cultivating tenant or as intermediary or in one or more of those capacities;

(13) "inam land" in any area in the State except the transferred territory—

(*a*) means any land the grant of which in inam has been made, confirmed or recognized by the Government, and

(*b*) includes—

(i) any land in any village specified in Schedule I;

(ii) any land which is exempt either in whole or in part, from payment of land revenue;

(iii) any land of which the land revenue alone or portion thereof has been granted in inam to any person provided that such grant has been made, confirmed or recognized by the Government; and

(iv) any inam constituting an estate under the Madras Estate Land Act, 1908 (Madras Act I of 1908);

but does not include any inam land on which full assessment of revenue has been levied under the Madras Inams (Assessment) Act, 1956 (Madras Act XL of 1956);

(14) "intermediary" means any person who, not being an owner or a possessory mortgagee, has an interest in land, and is entitled, by reason of such interest, to possession thereof but has transferred such possession to others;

(15) "land" means agricultural land, that is to say, land which is used or capable of being used for agricultural purposes

7th December 1961]

subservient thereto and includes forest, pasture land, plantation, orchard and tope, but does not include house-site or land used exclusively for non-agricultural purposes;

(16) " normal gross produce " in respect of any land means the produce which would be obtained, if the rainfall and the seasons were of a normal character, from lands of the same class as the land in question, similarly situated and possessing similar advantages;

(17) " notified date " means the date specified in the notification issued by the Government under section 6;

(18) " orchard " means an enclosure or assemblage of fruit or nut-bearing trees, constituting the main crop therein, whether of spontaneous or artificial growth and includes nandavanams, but does not include trees on such bunds as are not within or adjunct to such enclosure or assemblage;

(19) " owner " means—

(i) any person holding land in severalty or jointly or in common under ryotwari settlement or in any way subject to the payment of revenue direct to the Government, or

(ii) a landholder as defined in the Madras Estates Land Act, 1908 (Madras Act I of 1908) or a ryot as defined in that Act, or

(iii) an inamdar not being a landholder defined as aforesaid;

(20) " paid " includes " delivered ";

(21) " person " includes any public trust, company, firm, any farming society or association of individuals, whether incorporated or not;

(22) " personal cultivation " with its grammatical variations and cognate expressions, in relation to a public trust, includes cultivation by hired labour or with hired stock or by servants on wages payable in cash or kind but not as a share of produce;

(23) " plantation " means any land used for growing all or any of the following, namely, cardamom, cinchona, coffee, rubber or tea;

(24) " possessory mortgagee " means a mortgagee entitled to the possession of the whole or part of the mortgaged property and to receive the rents and profits accuring from such property or any part of such rents and profits and to appropriate the same in lieu of interest or in payment of the mortgage money or partly in lieu of interest or partly in payment of the mortgage money;

(25) " public trust " means a trust for a public purpose of a religious or charitable, or of an educational, nature, and includes—

(i) any temple, math, mosque, church or other place by whatever name known, which is dedicated to, or for the benefit of, or used as of right by any community or section thereof as a place of public religious worship;

[7th December 1961

(ii) any charitable or educational institution of a public nature;

(26) "Registrar" shall have the same meaning as in the Co-operative Societies Act;

(27) "Rent Court" and "Rent Tribunal" in relation to any area means the Rent Court and the Rent Tribunal respectively constituted under this Act for such area;

(28) "standard acre" means—

(1) in any area in the State, except the transferred territory—

(*a*) 0.8 acre of wet land assessed to land revenue at any rate above Rs. 15 per acre; or

(*b*) 1 acre of wet land assessed to land revenue at the rate of Rs. 10 and above but not exceeding Rs. 15 per acre; or

(*c*) 1.2 acres of wet land assessed to land revenue at the rate of Rs. 8 and above but below Rs. 10 per acre; or

(*d*) 1.6 acres of wet land assessed to land revenue at the rate of Rs. 6 and above but below Rs. 8 per acre; or

(*e*) 1.75 acres of wet land assessed to land revenue at the rate of Rs. 4 and above but below Rs. 6 per acre; or

(*f*) 2 acres of wet land assessed to land revenue at any rate below Rs. 4 per acre; or

(*g*) 2.5 acres of dry land assessed to land revenue at the rate of Rs. 2 and above per acre; or

(*h*) 3 acres of dry land assessed to land revenue at the rate of Rs. 1.25 and above but below Rs. 2 per acre; or

(*i*) 4 acres of dry land assessed to land revenue at any rate below Rs. 1.25 per acre;

(2) in the Kanyakumari district—

(*a*) 1 acre of registered wet land irrigated by any source forming part of ,or benefited by, any project; or

(*b*) 1.2 acres of registered dry land irrigated by any source mentioned in item (*a*); or

(*c*) 1.6 acres of dry land irrigated by any Government source other than a source mentioned in item (*a*); or

(*d*) 4 acres of dry land unirrigated by any source mentioned in item (*a*) or by any other Government source of irrigation;

(3) in the Shencottah taluk of the Tirunelveli district—

(*a*) 1.2 acres of wet land irrigated by any river or stream or by tank fed by any river or stream; or

(*b*) 1.6 acres of wet land irrigated by any Government source other than a source mentioned in item (*a*); or

7th December 1961]

(c) 2 acres of dry land irrigated by any Government source; or

(d) 4 acres of dry land unirrigated by any source mentioned in item (a) or by any other Government source of irrigation;

Explanation I.—For the purpose of sub-clause (1) of clause (28), " land revenue " shall mean—

(i) in the case of any land in respect of which a ryotwari settlement is in force on the date of the commencement of this Act, the ryotwari assessment payable on that date;

(ii) in the case of any inam land on which full assessment of revenue has been levied under the Madras inams (Assessment) Act, 1956 (Madras Act XL of 1956), such assessment;

(iii) in the case of any land [other than an inam and referred to in clause (ii)] in respect of which ryotwari settlement is not in force on the date of the commencement of this Act, but is brought into force after that date but before the notified date, the ryotwari assessment payable under such settlement after it is brought into force;

(iv) in the case of any land in respect of which ryotwari settlement effected in pursuance of section 22 of the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948 (Madras Act XXVI of 1948) has not been brought into force before the notified date or in the case of any inam land, the land revenue notified by the Government in this behalf with due regard to the highest rate of ryotwari assessment payable for any land of a similar description and with similar advantages in the nearest ryotwari village:

Provided that no notification shall be issued under this clause, unless the persons likely to be affected by such notification are given a reasonable opportunity to make representation and adduce evidence in respect of the rates proposed to be specified in the notification:

Provided further that the land revenue notified by the Government under this clause shall not be modified, notwithstanding that a different rate of assessment is fixed under—

(i) any settlement that may be brought into force; or

(ii) the Madras Inams (Assessment) Act, 1956 (Madras Act XL of 1956);

after the date of the publication of the said notification.

Explanation II.—In sub-clauses (2) and (3) of clause (28) " wet land " and " dry land " shall include inam wet land and inam dry land respectively.

Explanation III.—For the purpose of sub-clause (2) of clause (28), " project " means any of the following irrigation systems, namely:—

(i) Kodayar project system proper;

(ii) (a) Pazhayar system;

[7th December 1961

(*b*) Valliar system;

(*c*) Thirparappu Right Bank Channel and Left Bank Channel system;

(*d*) Champakulam system;

(iii) Alathuraiyar system.

Explanation IV.—In any area in the State, except the transferred territory, one acre of dry land—

(*a*) irrigated by direct flow of water from any Government source of irrigation supplying water—

(i) for two crops and above, shall be deemed to be equivalent to one acre of wet land assessed to land revenue at the rate of Rs. 8 and above but below Rs. 10 per acre;

(ii) for only one crop, shall be deemed to be equivalent to one acre of wet land assessed to land revenue at the rate of Rs. 4 and above but below Rs. 6 per acre;

(*b*) irrigated by lifting water from any Government source of irrigation shall be deemed to be equivalent to one acre of wet land assessed to land revenue at the rate of Rs. 4 and above but below Rs. 6 per acre:

Provided that the Government may, in respect of any particular area, by notification, direct that 1 acre of dry land irrigated from any Government source of irrigation shall be deemed to be equivalent to any specified extent of any of the categories of land specified in sub-clause (1) of clause 28 on the ground of quality of the soil or on any other ground:

Provided further that such notification shall not come into force unless it is approved by the Legislature.

Explanation V.—Where the land held by a person consists of more than one of the kinds of the land specified in clause (28), the extent of the land held by him shall, for the purposes of this Act, be reduced to standard acres calculated according to the proportions specified in clause ((28);

(29) "tope" means any land containing groups of fruit or nut-bearing trees including palmyrah trees, constituting the main crop in such land, whether of spontaneous or artificial growth and includes orchards, but does not include trees on such bunds as are not within or adjunct to such groups of trees;

(30) "transferred territory" means the Kanyakumari district and the Shencottah taluk of the Tirunelveli district;

(31) "trustee" means a person in whom either alone or in association with other persons the trust property of any public trust is vested or any person who for the time being, either alone or in association with some other person or persons, administers the trust property of any public trust and includes—

(i) in the case of a math, the head of such math;

(ii) in the case of a wakf, a mutawalli of such wakf;

7th December 1961]

(iii) in the case of a society registered under the Societies Registration Act, 1860 (Central Act XII of 1860), its governing body;

(iv) in the case of any other public trust, the person legally competent to act for such public trust.

3. *Act to override other laws, contracts, etc.*—The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force, or any custom, usage or contract or decree or order of a Court or other authority.

CHAPTER II.

REGULATION OF CULTIVATION OF LANDS HELD BY PUBLIC TRUSTS.

4. *Regulation of cultivation of land held by public trusts.*—On and after the date of the commencement of this Act, no public trust shall personally cultivate, or lease out, land held by such trust except in accordance with the provisions of this Act.

5. *Ceiling on personal cultivation by public trusts.*—(1) Except as otherwise provided in this Act, no public trust shall personally cultivate land in excess of *twenty* standard acres.

(2) Nothing in this section shall be deemed to authorize any public trust to evict any person holding land as cultivating tenant under such public trust on the date of the commencement of this Act, except in accordance with the provisions of sections 7, 15 (2) and 19.

6. *Land under personal cultivation of public trust in excess of twenty standard acres to be leased out.*—Where on the date of the commencement of this Act, any public trust personally cultivates land in excess of *twenty* standard acres *and continues to so cultivate that land on such date as may be specified in the notification issued by the Government in this behalf*, the trustee of the public trust shall, within such period as may be prescribed, from the date specified in such notification, lease out the lands in such excess to —

(i) *a co-operative farming society; or*

(ii) any person who is already a cultivating tenant; or

(iii) any person who not being already a cultivating tenant executes an agreement with the public trust that he will contribute his own physical labour or that of any member of his family in the cultivation of the land so leased out to him :

Provided that the extent of land so leased out to any person other than a co-operative farming society, together with the other land, if any, already held by such person, shall not exceed in the aggregate the cultivating tenant's ceiling area.

[7th December 1961

7. *Possession of land held by cultivating tenant to revert to public trust in certain cases.*—(1) Where, on the notified date, any cultivating tenant under any public trust is in possession of land in excess of the cultivating tenant's ceiling area, the possession of the land which is held by the public trust and which is in excess of the cultivating tenant's ceiling area shall, with effect from the date aforesaid, revert to the public trust subject to such rules as may be made in this behalf.

(2) Where on or after the notified date, any cultivating tenant under any public trust acquires by sale, lease, gift, exchange, surrender, agreement, settlement or otherwise, any land which, together with the other land, if any, already held by him, exceeds in the aggregate the cultivating tenant's ceiling area, the possession of the land which is held by the public trust and which is in excess of the cultivating tenant's ceiling area shall, with effect from the date of such acquisition, revert to the public trust subject to such rules as may be made in this behalf.

(3) The cultivating tenant concerned shall have the option to select the land the possession of which shall revert to the public trust under sub-section (1) or sub-section (2), as the case may be :

Provided that such option shall be subject to such conditions as may be prescribed.

Explanation.—For the purposes of this section and sections 10 and 11, 'cultivating tenant' shall include any tenant who is in actual possession of the land but does not contribute his own physical labour or that of any member of his family in the cultivation of such land.

8. *Public trust to lease out land reverted under section 7, etc.*—Where any land reverts to the public trust under section 7 or is resumed under section 19, or where any land is acquired by sale, gift, exchange, surrender, agreement, settlement or otherwise, the trustee of the public trust shall within ninety days from the date of reversion, resumption or acquisition, as the case may be, lease out such land to—

(i) a co-operative farming society; or

(ii) any person who is already a cultivating tenant; or

(iii) any person who not being already a cultivating tenant executes an agreement with the public trust that he will contribute his own physical labour or that of any member of his family in the cultivation of the land so leased out to him :

Provided that the extent of land so leased out to any person other than a co-operative farming society, together with the other land, if any, already held by such person, shall not exceed in the aggregate the cultivating tenant's ceiling area.

9. *Furnishing of returns by public trust.*—(1) The trustee of every public trust shall, within ninety days from the date of the expiry of the period prescribed under section 6, furnish to the authorized officer a return containing such particulars as may be prescribed.

7th December 1961]

(2) If, on or after the notified date, any land—

(i) reverts to any public trust under section 7 or sub-section (2) of section 15; or

(ii) is resumed by any public trust under section 19; or

(iii) is acquired by any public trust by sale, gift, exchange, surrender, agreement, settlement or otherwise; then the trustee of the public trust shall, within ninety days from the date of the expiry of the period specified in section 8, furnish to the authorized officer a return containing such particulars as may be prescribed.

10. *Furnishing of returns by cultivating tenant.*—(1) Every cultivating tenant under any public trust who, immediately before the notified date, is in possession of land in excess of the cultivating tenant's ceiling area, shall within ninety days from the notified date, furnish to the authorized officer a return containing such particulars as may be prescribed.

(2) If, on or after the notified date, any cultivating tenant under any public trust acquires by sale, lease, gift, exchange, surrender, agreement, settlement, or otherwise, any and which, together with the other land, if any, already held by him exceeds in the aggregate the cultivating tenant's ceiling area, then, he shall, within ninety days from the date of such acquisition, furnish to the authorized officer a return containing such particulars as may be prescribed.

11. *Collection of information.*—(1) If the trustee of any public trust or any cultivating tenant under a public trust fails to furnish the return under section 9 or section 10, as the case may be, or furnishes an incorrect or incomplete return under that section, the authorized officer may, by notice, require such trustee or cultivating tenant, as the case may be, to furnish the return or the additional particulars, as the case may be, within the time specified in the notice or within such further time not exceeding thirty days as the authorized officer may, in his discretion, allow:

(2) (*a*) Where the trustee of any public trust or any cultivating tenant to whom notice under sub-section (1) has been served, fails to furnish the return or the additional particulars, as the case may be, within the time specified in that notice, or within the further time, if any, allowed by the authorized officer under sub-section (1), the authorized officer may obtain, in such manner as may be prescribed, the necessary information either by himself or through such agency as he thinks fit.

(*b*) The authorized officer shall, as soon as may be, after obtaining the information under clause (*a*), give to the trustee of the public trust or the cultivating tenant concerned a reasonable opportunity of making his representation and of adducing evidence, if any, in respect of such information and consider any such representation and evidence and pass such orders as the said officer deems fit.

[7th December 1961

12. *Authorized officer to take action in certain cases.*—Where, on the basis of the return furnished under section 9 or section 10 or under sub-section (1) of section 11 or the additional particulars, if any, furnished under that sub-section, or on the basis of the information obtained by the authorized officer under clause (*a*) of sub-section (2) of section 11 and the orders passed on the representation and evidence, if any, under clause (*b*) of sub-section 11, the authorized officer is satisfied that any land of the public trust has not been leased out in accordance with the provisions of sections 6, 8 and 15 (3), he shall—

(*a*) in any case, where it appears that the failure to lease out the land is due to the non-availability of persons to take on lease the land concerned, make an enquiry into the matter and submit a report containing such particulars and to such authority as may be prescribed; and

(*b*) in any case where he is satisfied that the failure to lease out the land is due to the non-availability of persons to take on lease the land concerned, choose, subject to such conditions as may be prescribed, one or more persons willing to cultivate such land and direct the trustee of the public trust concerned to lease out such land to the person or persons aforesaid within the prescribed period :

Provided that the extent of the land so leased out to any one person together with the other land, if any, already held by him shall not exceed in the aggregate the cultivating tenant's ceiling area.

* * * * *

13. *Permission to public trust for personal cultivation in certain cases.*—(1) The authority prescribed under clause (*a*) of section 12 may, after receiving the report referred to in that clause and after making such enquiry as it may consider necessary, submit the report together with its recommendation to the Board of Revenue.

(2) The Board of Revenue may, after receiving the report and the recommendation referred to in sub-section (1) and after making such further enquiry as it may consider necessary—

(*a*) in any case where it is satisfied that the failure to lease out the land is due to non-availability of persons to take on lease the land concerned, permit the public trust to personally cultivate the land; and

(*b*) in any case where it is satisfied that the failure to lease out the land is not due to the non-availability of persons to take on lease the land concerned. instruct the authorized officer to choose one or more persons willing to cultivate such land and to direct the trustee of the public trust concerned to lease out such land to the person or persons aforesaid within the prescribed period; and the authorized officer shall give effect to such instruction :

7th December 1961]

Provided that the extent of the land so leased out to any one person together with the other land, if any, already held by him shall not exceed in the aggregate the cultivating tenant's ceiling area.

* * * * *

14. *Authorized officer to choose persons to cultivate land mismanaged by public trust.*—(1) If it appears to the authorized officer that any land which is intended to be personally cultivated by any public trust—

(i) has remained uncultivated for any two consecutive years; or

(ii) has not been used fully and efficiently for the purpose of agriculture through the default of the public trust; or

(iii) has been neglected or mismanaged, by the public trust as a result of which, the cultivation of such land has seriously suffered,

the authorized officer shall, subject to such conditions as may be prescribed, choose one or more persons willing to cultivate such land and direct the trustee of the public trust concerned to lease out such land to the person or persons aforesaid within the prescribed period :

Provided that the extent of the land so leased out to any one person together with the other land, if any, already held by him shall not exceed in the aggregate the cultivating tenant's ceiling area.

* * * * *

(2) If any person to whom any land held by the public trust has been leased out in pursuance of an agreement executed by him under sections 6 (iii), 8 (iii) or 15 (3) (iii) does not contribute by his own physical labour or that of any member of his family in the cultivation of the land so leased out or if such person contravenes any of the provisions of such agreement, the authorized officer shall, subject to such conditions as may be prescribed, choose one or more other persons willing to cultivate such land and direct the trustee of the public trust concerned to lease out such land to the other person or persons aforesaid within the prescribed period :

Provided that the extent of the land so leased out to any one person together with the other land, if any, already held by him shall not exceed in the aggregate the cultivating tenants' ceiling area.

* * * * *

15. *Special provision in respect of lands already held by co-operative societies.*—(1) If on the notified date, any society registered under the Co-operative Societies Act (including a society specified in Schedule II) holds on lease any land held by any public trust and any member of such society cultivates such land, which together with the other land already held by him, exceeds

in the aggregate the cultivating tenant's ceiling area, the society shall within such period as may be prescribed distribute the land in such excess to any other member:

Provided that the extent of land so distributed together with the other land already held by such other member shall not exceed in the aggregate the cultivating tenant's ceiling area.

(2) The extent of the land which could not be distributed in accordance with the provisions of sub-section (1) shall revert to the public trust on the expiry of the period prescribed under that sub-section.

(3) The public trust shall within the prescribed period lease out the lands reverted under sub-section (2) to—

(i) a co-operative farming society; or

(ii) any person who is already a cultivating tenant; or

(iii) any person who not being already a cultivating tenant executes an agreement with the public trust that he will contribute his own physical labour or that of any member of his family in the cultivation of the land so leased out to him:

Provided that the extent of land so leased out to any person other than a co-operative farming society, together with the other land, if any, already held by such person, shall not exceed in the aggregate the cultivating tenant's ceiling area.

16. *Restriction on the extent of land to be leased out to co-operative farming society.*—(1) The extent of land leased out to any co-operative farming society by any public trust under this Chapter shall not exceed the difference between—

(i) the extent of land in standard acres equal to five times the number of members of such society; and

(ii) the total extent of land in standard acres already held by such members.

(2) In respect of any land leased out to any co-operative farming society under this Chapter, the distribution of such and by the co-operative farming society among its members shall be in accordance with such rules as may be prescribed:

Provided that extent of land so distributed together with the extent of the other land already held by any one member shall in no case exceed in the aggregate the cultivating tenant's ceiling area.

17. *Appeal.*—(1) Any trustee of a public trust or any other person aggrieved by an order or decision of the authorized officer under this Chapter may, within such period as may be prescribed, appeal to such authority as may be prescribed.

(2) The authority prescribed under sub-section (1) may, after giving the parties to the appeal an opportunity of being heard, pass such orders thereon as it thinks fit and shall communicate any such orders to the parties concerned.

(3) The order passed by the authority prescribed under sub-section (1) on the appeal shall be final.

7th December 1961]

CHAPTER III.

PROVISIONS RELATING TO TENANCIES.

18. *Cultivating tenants not to be evicted.*—Subject to the provisions of section 7 and 19 no cultivating tenant under any public trust shall be evicted from his holding or any part thereof by or at the instance of the public trust.

Explanation.—In this section "holding" means the parcel or parcels of land held by any person as a cultivating tenant.

19. *Public trust may evict cultivating tenant in certain cases.*—(1) Any public trust may evict any cultivating tenant—

(*a*) who, if in arrear on the date of the commencement of this Act with respect to the rent payable to the public trust, does not pay such rent within a month after such date, or who, in respect of the rent payable to the public trust after the date of the commencement of this Act, does not pay such rent within a month after such rent becomes due; or

(*b*) (i) who has done any act or has been guilty of any negligence which is destructive of, or injurious to, the land or any crop thereon; or

(ii) who has altogether ceased to cultivate the land; or

(*c*) who has used the land for any purpose not being an agricultural purpose; or

(*d*) who has contravened consecutively for two crops the provisions of sub-section (1) or (2) of section 27; or

(*e*) who has willfully denied title of the public trust to the land.

Explanation.—A denial of the public trust's title under a *bona fide* mistake of fact is not wilful within the meaning of this clause.

(2) (*a*) A cultivating tenant under any public trust may deposit before the authorized officer the rent, or if the rent be payable in kind, its market value on the date of deposit, to the account of the public trust—

(i) in the case of rent in arrear on the date of the commencement of this Act, within a month after such date;

(ii) in the case of rent accrued due after the date of the commencement of this Act, within a month after the date on which the rent accrued due.

(*b*) The authorized officer shall cause notice of the deposit to be issued to the trustee of the public trust and determine, after a summary enquiry, whether the amount deposited represents the correct amount of rent due from the cultivating tenant. If the authorized officer finds that any further sum is due, he shall allow the cultivating tenant such time as he may consider just and reasonable having regard to the relative circumstances of the

public trust and the cultivating tenant for depositing such further sum inclusive of such costs as the authorized officer may allow. If the authorized officer adjudges that no further sum is due, or if the cultivating tenant deposits within the time allowed such further sum as is ordered by the authorized officer, the cultivating tenant shall be deemed to have paid the rent within the period specified in clause (*a*) of sub-section (1). If having to deposit a further sum, the cultivating tenant fails to do so within the time allowed by the authorized officer, the trustee of the public trust may evict the cultivating tenant as provided in sub-section (3).

(3) (*a*) The trustee of every public trust seeking to evict a cultivating tenant falling under sub-section (1) shall whether or not there is an order or decree of a court for the eviction of such cultivating tenant, make an application to the authorized officer.

(*b*) On receipt of such application, the authorized officer shall, after giving a reasonable opportunity to the trustee of the public trust and the cultivating tenant to make their representations, hold a summary enquiry into the matter and pass an order either allowing the application or dismissing it and in a case falling under clause (*a*) of sub-section (1) in which the cultivating tenant had not availed of the provisions contained in sub-section (2), the authorized officer may allow the cultivating tenant such time as he considers just and reasonable having regard to the relative circumstances of the public trust and the cultivating tenant for depositing the arrears of rent payable under this Act inclusive of such costs as he may direct. If the cultivating tenant deposits the sum as directed, he shall be deemed to have paid the rent under clause (*b*) of sub-section (2). If the cultivating tenant fails to deposit the sum as directed, the authorized officer shall pass an order for eviction.

20. *Right to restoration of possession.*—(1) Any cultivating tenant under any public trust, who has been evicted except in accordance with the provisions of sections 7, 15 (2) and 19 may make an application to the authorized officer within whose jurisdiction the land from which he was evicted is situated, within restoration to him of the possession of the land from which he restoration to him of the possession of the land from which the was evicted and to hold it with all the rights and subject to all the liabilities of a cultivating tenant :

Provided that the application may be received after the period of two months aforesaid if the authorised officer, for reasons to be recorded in writing, is satisfied that the applicant had sufficient cause for not applying within that period.

(2) (*a*) On receipt of an application under sub-section (1), the authorized officer shall, after giving a reasonable opportunity to the trustee of the public trust and the person, if any, in possession of the land, to make their representations, hold a summary enquiry into the matter and pass an order either allowing the application or dismissing it.

7th December 1961]

(*b*) In passing an order under clause (*a*) allowing the application, the authorized officer may impose such conditions as he may consider just and equitable including conditions in regard to the reimbursement by the applicant of the public trust or any other person in possession of the land in respect of the expenses incurred or the labour contributed by him during the period when the applicant was not in possession, in respect of any crop which has not been harvested, if an agreement is not reached between the parties as regards the amount and manner of such reimbursement.

Explanation.—In lieu of imposing any condition relating to reimbursement as provided in clause (*b*), the authorized officer may, in his discretion postpone the restoration of the possession of the land to the applicant until the harvest of any crop standing at the time when the order is passed.

21. *Execution of lease.*—(1) In the case of every tenancy agreement entered into after the date of the commencement of this Act between a cultivating tenant and a public trust, a lease deed shall be executed in triplicate in the prescribed form, within a reasonable time after the commencement of such tenancy, specifying the name and description of the cultivating tenant, the name (if any), survey number, description and extent of the land leased out, and the terms of the tenancy; and shall be signed both by the trustee of the public trust and by the cultivating tenant. One of the three copies shall be kept by the trustee of the public trust, one shall be kept by the cultivating tenant and the third shall be caused to be lodged in the Taluk Office by the trustee of the public trust within a fortnight of the date on which the cultivating tenant signs it :

Provided that if the trustee of the public trust or the cultivating tenant refuses or delays unreasonably to execute the lease deed, it shall be open to the cultivating tenant or the trustee of the public trust, as the case may be, to lodge the deed in the Taluk Office with a declaration that the other party has refused or delayed unreasonably to execute it.

(2) No stamp need be affixed to the lease deed.

(3) In the case of any tenancy, if the trustee of the public trust or the cultivating tenant refuses to sign or fails to lodge the lease deed in accordance with the provisions of sub-section (1), the authorized officer may, after holding such enquiry as may be prescribed, impose on the trustee of the public trust or the cultivating tenant, as the case may be, a penalty which may extend to fifty rupees : and any penalty so imposed may be recovered as if i were an arrear of land revenue.

22. *Revision by the District Court.*—The District Court may call for and examine the record of any authorized officer in respect of any proceeding under this Chapter to satisfy itself as to the regularity of such proceeding or the correctness, legality or propriety of any decision, or order passed thereon: and if, in any case,

it appears to the District Court that any such proceeding, decision or order should be modified, annulled or reversed or remitted for reconsideration, it may pass orders accordingly :

Provided that the District Court shall not pass any order prejudical to any party unless he has been given a reasonable opportunity of being heard.

Explanation.—For the purpose of this section " District Court " shall mean—

(i) in the City of Madras, the City Civil Court; and

(ii) in any other area, the principal civil court of original jurisdiction.

CHAPTER IV.

FAIR RENT.

23. *Rights and liabilities of cultivating tenant and public trust.*—(1) Every cultivating tenant under any public trust shall be bound to pay to the public trust and every public trust shall be entitled to collect from the cultivating tenant fair rent payable under this Chapter.

(2) Where the irrigation of any land is irregular the public trust may, at its option either take its share of the produce and bear the excess water-cess in respect of the irregular irrigation proportionate to its share or take the share of the produce which would have been obtained but for the irregular irrigation in which case the entire excess water-cess shall be borne by the cultivating tenant.

(3) Notwithstanding any neglect or failure on the part of the cultivating tenant under any public trust to raise any crop, the public trust shall be entitled to collect fair rent.

(4) Subject to the proviso to sub-section (2) of section 24, all the cultivation expenses inclusive of cost of seed, ploughing, manuring, harvesting and threshing shall be borne by the cultivating tenant under the public trust.

(5) The public trust shall be responsible for the payment of all dues payable to the Government and local authorities in respect of the land subject to its right to recover from the cultivating tenant the public charges, which are expressly made payable by the cultivating tenant by this Chapter.

(6) The public trust shall bear all capital expenditure necessary to maintain the land and wells in a state of proper repair.

(7) Subject to the provisions of Chapter III, no public trust shall after the date of the commencement of this Act, claim or stipulate for—

(i) payment of any amount by the cultivating tenant in excess of the fair rent or in excess of the public charges which are expressly made payable by the cultivating tenant by this Chapter; or

7th December 1961]

(ii) the delivery by the cultivating tenant of any article or thing in addition to fair rent.

. . . .

(8) A public trust may advance to its cultivating tenant who is not a member of any tenant farming society such loan as may be necessary for manuring its land. The loan so advanced shall be a first charge on the share of the produce to which the cultivating tenant is entitled under this Chapter.

(9) Notwithstanding anything contained in sub-section (4) and (8), the trustee of a public trust may with the consent of the cultivating tenant concerned in the case of any wet land or garden land attended to the manuring of the land by chemical manures and oil-cakes up to a sum equivalent to ten per cent of the normal gross produce and recover the same from the cultivating tenant. The amount payable by the cultivating tenant under this sub-section shall be a first charge on the share of the produce to which the cultivating tenant is entitled under this Chapter. Such amount shall be paid in addition to the fair rent payable under this Chapter.

(10) Nothing contained in this section shall affect the right of the public trust to claim from the cultivating tenant compensation for damages to the land or to anything that stood on the land at the time of lease.

24. *What is fair rent.*—(1) Subject to the provisions of sub-section (2), fair rent shall be—

(i) in the case of wet land, 40 per cent of the normal gross produce or its value in money;

(ii) in the case of wet land where the irrigation is supplemented by lifting water, 35 per cent of the normal gross produce or its value in money;

(iii) in the case of any other class of land, 33-1/3 per cent of the normal gross produce or its value in money.

Explanation.—In every harvest the public trust shall be entitled to one-fifth of the straw or stalk of all the crops.

(2) In the case of lands in items (ii) and (iii) of sub-section (1) in which water is lifted by pumpsets installed at the cost of the public trust, the fair rent specified in the said items shall be increased to 40 per cent :

Provided that the cultivating tenant shall bear all the maintenance charges and the public trust shall bear the charges for repairing the pumpsets. The installation of a pumpset shall be at the option of the public trust.

(3) Where the contract of tenancy provides for payment of a rent lower than the fair rent payable under the above provisions, the contract rent alone shall be payable during the contract period.

25. *Fair rent may be paid in cash or in kind.*—(1) The fair rent in respect of any land may be paid either in cash or in kind or partly in cash and partly in kind, in accordance with the terms

of the contract between the public trust and the cultivating tenant; and in the absence of such a contract, the fair rent may be paid at the option of the cultivating tenant in any one of the above ways :

Provided that the option shall be exercised within three months from the date on which the tenancy agreement takes effect and if the cultivating tenant does not exercise the option within the period aforesaid, the trustee of the public trust shall, by notice given to the cultivating tenant, specify the way in which the fair rent shall be paid by the cultivating tenant :

Provided further that the option once exercised or the way once specified shall not be changed except by mutual agreement :

Provided also that where the crop raised is paddy, the public trust shall have the right to insist that the rent shall be paid in kind.

(2) Whenever adverse seasonal conditions result in the reduction of the gross produce from any particular crop to the extent of more than 25 per cent, the public trust shall be bound to remit a proportionate part of the fair rent due to it from its cultivating tenant in respect of that land for that period :

Provided that before admitting or inquiring into an application made by a cultivating tenant for remission of fair rent under this section, the Rent Court may impose such conditions as it considers reasonable in the circumstances of the case including conditions as to deposit of admitted rent which has become due.

26. *Alteration or revision of fair rent.*—Where in respect of any land fair rent has been determined under this Chapter it shall continue in force for five years :

Provided that the Rent Court may, on an application made by the cultivating tenant under any public trust, reduce the fair rent if it is satisfied that on account of deterioration of the land by floods or other causes beyond the control of the cultivating tenant, the land has been wholly or partially rendered unfit for the purposes of cultivation :

Provided further that the Rent Court may, on an application made by the trustee of a public trust, enhance the fair rent if it is satisfied that on account of any improvements made in the land by or at the expense of the public trust, the produce of the land has increased.

27. *Sharing of produce.*—(1) Where the produce to be shared is grain, no cultivating tenant shall harvest the crop unless he has given in such manner as may be prescribed, not less than ten days' notice in writing intimating the public trust of his decision to harvest and the notice shall expire on the day on which the harvest is to take place :

7th December 1961]

(2) Where the produce to be shared is grain, the sharing shall be done at the threshing floor on which the threshing took place; and no portion of the produce shall be removed therefrom at such time or in such manner as to prevent the due division thereof at the proper time.

(3) If the trustee of a public trust fails to attend the harvest on the date of harvest specified in the notice given under sub-section (1), the cultivating tenant shall be entitled to harvest the crop on the date or on any subsequent date. In such a case, either the trustee of the public trust or the cultivating tenant may make an application to the authorized officer requesting that an officer may be deputed to make the division of the produce.

(4) Notwithstanding anything contained in sub-section (3), if the trustee of a public trust apprehends the removal of the produce by the cultivating tenant from the threshing floor in contravention of the provisions of sub-section (2), such trustee may make an application to the authorized officer requesting that an officer may be deputed to make the division of the produce.

(5) On receipt of the application under sub-section (3) or sub-section (4), as the case may be, the authorized officer may depute an officer who shall exercise such functions and in accordance with such procedure as may be prescribed.

28. *Constitution of Rent Courts and Rent Tribunals.*—(1) The Government may, by notification, constitute Rent Courts and Rent Tribunals for the purposes of this Chapter, with jurisdiction over such areas as may be specified in the notification.

(2) Every Rent Court shall be presided over by an officer not below the rank of Tahsildar and every Rent Tribunal shall be presided over by an officer not below the rank of District Munsif.

29. *Application to Rent Courts and appeals to Rent Tribunals.*—(1) Notwithstanding any agreement between a public trust and the cultivating tenant, or any decree or order of a Court, either party may apply to the Rent Court for fixation of fair rent or for deciding any dispute arising under this Chapter.

(2) From every decision of a Rent Court, an appeal shall, within such time as may be prescribed, lie to the Rent Tribunal whose decision shall be final, subject to revision if any, under section 32.

30. *Collector to publish list of prices.*—(1) The Collector of the district shall publish in the months of January, April, July and October every year in the District Gazette the average market price during the immediately preceding three months at the headquarters of each taluk of the main crops of the district.

(2) Where, for the payment of fair rent by a cultivating tenant under any public trust, to whom the provisions of this Chapter apply, the cash value of any crop has to be fixed, such value shall be . . .—

(*a*) in the case of any of the crops referred to in sub-section (1), the market price at the taluk headquarters last published under sub-section (1) before the date when such fair rent became payable;

(*b*) in the case of any other crop, such amount as may be agreed upon between the public trust and the cultivating tenant and in the case of disagreement, such amount as may be deemed fair and reasonable by the Rent Court.

31. *Exemption.*—Nothing in this Chapter shall apply to any land during the period when such land is used for raising as main crop, sugarcane, plantain or betel vines or any crop which does not give any yield for a continuous period of two years or more from the time of cultivation or to any contract merely for the collection or harvesting of the crop of any kind.

32. *Revision by the District Court.*—The District Court may call for and examine the record of any Rent Tribunal in respect of any proceeding under this Chapter to satisfy itself as to the regularity of such proceeding or the correctness, legality or propriety of any decision, or order passed thereon; and if, in any case, it appears to the District Court that any such proceeding, decision or order should be modified, annulled or reversed or remitted for reconsideration, it may pass orders accordingly:

Provided that the District Court shall not pass any order prejudicial to any party unless he has been given a reasonable opportunity of being heard.

Explanation.—For the purposes of this section, "District Court" shall mean—

(i) in the City of Madras, the City Civil Court; and

(ii) in any other area, the principal civil court of original jurisdiction.

CHAPTER V.

Tenant Farming Societies.

33. *Formation of tenant farming societies.*—Any ten or more cultivating tenants under any public trust may form a joint tenancy co-operative farming society (in this Act referred to as the tenant farming society) and for that purpose may apply in writing in the prescribed form to the Registrar for the registration thereof.

34. *Application for registration.*—(1) An application for registration of a tenant farming society shall be accompanied by—

(i) extracts from such records as may be prescribed showing the total area with the survey numbers of all the lands held by each of the applicants;

7th December 1961]

(ii) a copy of the proposed by-laws of the tenant farming society;

(iii) a statement whether any applicant is in arrear with respect to any rent payable to the public trust.
and shall contain such particulars as may be prescribed.

(2) The by-laws referred to in clause (ii) of sub-section (1) shall be deemed to be the by-laws required to be filed under the provisions of the Co-operative Societies Act.

35. *Registration of tenant farming societies.*—(1) After making such inquiry as may be prescribed, the Registrar shall, subject to such conditions as may be prescribed, register the tenant farming society . . . . and grant a certificate of registration.

(2) The Registrar shall cause a copy of the certificate to be forwarded within such time and in such manner as may be prescribed to the authorized officer within whose jurisdiction the land in respect of which the tenant farming society is registered is situated for such action as may be prescribed.

36. *Transfer of possession of land to tenant farming society.*—(1) When a tenant farming society has been registered under section 35, the possession of all lands held by a member in respect of which he becomes a member of the tenant farming society shall wih effect from the date of such registration and for so long as the registration of the tenant farming society is not cancelled . . . stand transferred to the tenant farming society, which shall thereupon hold such land . . . use it for agricultural purposes.

(2) If any cultivating tenant under any public trust is admitted as a member of a tenant farming society after its registration, the possession of the land held by him and in respect of which he becomes a member, shall with effect from the date on which he becomes a member stand transferred to the tenant farming society.

(3) No member of a tenant farming society shall withdraw his membership during the period specified in the agreement executed by him under sub-section (1) of section 40 :

Provided that the society may, subject to such conditions as may be prescribed, permit any member to withdraw.

(4) Where any member of a tenant farming society ceases to be a cultivating tenant by virtue of any order passed under Chapter III by the authorized officer or the District Court in respect of any land the possession of which stood transferred to the tenant farming society, he shall, with effect from the date of such order, cease to be a member of that society in respect of that land.

(5) (*a*) Notwithstanding the withdrawal of membership of a tenant farming society by a cultivating tenant under sub-section (3), or the cessation of such membership under sub-section (4),

[7th December 1961

the possession of the land in respect of which the cultivating tenant had become a member shall continue to remain with the tenant farming society and the rights and liabilities of the cultivating tenant aforesaid shall be deemed to have devolved on the tenant farming society :

Provided that nothing in this clause shall be deemed to make the tenant farming society liable for the payment of rent accrued due before the date on which the cultivating tenant became a member of such society.

(*b*) The tenant farming society shall in respect of such land as is referred to in clause (*a*) admit a new member and permit him to cultivate such land :

Provided that the extent of the land so cultivated together with the other land already held by him shall not exceed in the aggregate the cultivating tenant's ceiling area.

37. *Consequences of registration.*—When a certificate of registration in respect of any tenant farming society has been granted as provided in section 35, the provisions of the Co-operative Societies Act and the rules made thereunder shall so far as they are not inconsistent with the provisions of this Act or of the rules made thereunder, apply in relation to such tenant farming society, as they apply in relation to a society registered under the Co-operative Societies Act.

38. *Amendment of by-laws by the Registrar.*—The Registrar may at any time on application made by a majority of the members of a tenant farming society, or of his own motion, after giving notice to the society in such manner as may be prescribed and after giving the society an opportunity of being heard, amend the by-laws.

39. *Land . . . . . . to continue to vest in the owner thereof.*—Nothing in this Act shall be deemed to cause the right of ownership of a public trust or any other person in the land the possession of which stands transferred under section 36 to the tenant farming society to cease to vest in such public trust or such other person.

40. *Agreement regarding period of membership, sharing of income, etc.*—(1) Every member of a tenant farming society shall execute an agreement with the tenant farming society specifying—

(i) the period for which he shall continue as member of such society, such period not being less than five years in any case;

(ii) the basis on which the share of his income shall be determined; and

(iii) such other matters as may be prescribed.

7th December 1961]

(2) The agreement executed under sub-section (1) shall be sent by registered post by the tenant farming society to the Sub-Registrar having jurisdiction over the area in which the lands are situated.

(3) On receipt of the agreement, the Sub-Registrar shall register such agreement and issue a copy thereof to the tenant farming society.

(4) Any agreement executed under sub-section (1) which has not been registered under sub-section (3) shall be null and void.

(5) The tenant farming society shall be entitled to collect any sum due to the society under the agreement executed under sub-section (1) or on any account whatsoever, by any member or past or deceased member.

41. *Liability of the tenant farming society to rent and other dues.*—A tenant farming society shall, as from the date on which it is registered, or from the date on which a new member is admitted, be liable for the payment of rent, betterment contribution and other public charges, if any, accrued due after the date aforesaid and payable by the member concerned under this Act or any other law for the time being in force, in respect of the land the possession of which stands transferred to the tenant farming society under section 36.

42. *Admission of new members.*—Subject to such conditions the land the possession of which stands transferred to the tenant as may be prescribed, any cultivating tenant under any public trust may be admitted as a member of a tenant farming society.

43. *Heirs deemed to be members of tenant farming society.*—When a member, the possession of whose land stands transferred to a tenant farming society, dies, his heirs shall be deemed to have become the members of the tenant farming society subject to the same rights and liabilities of the first mentioned member.

44. *Concessions and facilities for the tenant farming society.*— . . . . A tenant farming society shall be entitled to such concessions and facilities as may be prescribed.

. . . .

45. *Act to apply to certain tenant farming societies.*—(1) For the purposes of this Act, the tenant-farming societies specified in Schedule II shall be deemed to have been registered under this Chapter on the notified date and the provisions of this Act shall, as far as may be, apply to such tenant farming societies.

(2) The Government may, by notification, add any tenant farming society registered under the Co-operative Societies Act, before the date of commencement of this Act and in possession of

[7th December 1961

land belonging to any public trust, or omit any tenant farming society from, Schedule II; and on the publication of such notification, such tenant farming society shall be deemed to be included in or as the case may be, omitted from, Schedule II.

CHAPTER VI.

Penalties and Procedure.

46. *Penalty for failure to furnish return.*—(1) If the trustee of any public trust or any cultivating tenant under any public trust refuses or wilfully fails to furnish a return within the time specified in the notice under sub-section (1) of section 11 or within the further time, if any, allowed by the authorized officer under that sub-section, such trustee or cultivating tenant shall be punishable with fine which may extend to two hundred rupees.

(2) If the trustee of any public trust or any cultivating tenant under any public trust, after having been convicted under sub-section (1), continues to refuse or to wilfully fail to furnish the return, such trustee or cultivating tenant shall be punishable with fine which may extend to fifty rupees for each day after the previous date of conviction during which such trustee or cultivating tenant continues so to offend.

47. *Penalty for furnishing false return or information.*—If the trustee of any public trust or any cultivating tenant under any public trust, who is under an obligation to furnish any return or information under this Act, furnishes a return or information which he knows or has reason to believe to be false, such trustee or cultivating tenant shall be punishable with fine which may extend to one thousand rupees.

48. *Penalty for contravention of the direction of the authorized officer.*—If the trustee of any public trust contravenes any direction of the authorized officer under clause (*b*) of section 12, or clause (*b*) of sub-section (2) of section 13 or sub-section (1) or sub-section (2) of section 14, he shall be punishable with fine which may extend to one thousand rupees.

49. *Penalty for contravention of any lawful order.*—If the trustee of any public trust, any cultivating tenant under any public trust or any other person contravenes any lawful order passed under this Act or obstructs any person from lawfully taking possession of any land for the possession of which such person is entitled in pursuance of any of the provisions of this Act or of any order passed thereunder, such trustee, cultivating tenant or other person shall be punishable with fine which may extend to five hundred rupees.

50. *Cognizance of offences.*—(1) No Court shall take cognizance of any offence punishable under this Act except on complaint in writing made by the authorized officer or any officer empowered by him by special order.

7th December 1961]

(2) No court inferior to that of a Presidency Magistrate or a Magistrate of the first class shall try any offence punishable under this Act.

CHAPTER VII.

EXEMPTIONS.

51. *Exemptions.*—Nothing contained in this Act shall apply to—

(i) plantations;

(ii) any land interspersed among plantations;

(iii) any land contiguous to any plantation, provided that the extent of such land shall not exceed twenty percentum of the total extent of such plantation;

(iv) lands converted into orchards or topes or arecanut gardens, whether or not such lands are contiguous or scattered :

Provided that such lands shall be exempt only so long as they continue to be orchards, topes, or arecanut gardens;

(v) any land used exclusively for growing fuel trees :

Provided that such land shall be exempt only so long as such land continues to be used for such purpose;

(vi) any land used exclusively for dairy farming, poultry farming or livestock breeding :

Provided that such land shall be exempt only so long as such land continues to be used for such purpose:

(vii) any land used exclusively for grazing and assessed to land revenue at Rs. 1.25 and below per acre;

Provided that such land shall be exempt only so long as such land continues to be used for such purpose;

(viii) forests.

52. *Power of Government to exempt by notification and to cancel such notification.*—(1) If, upon application or otherwise, the Government are satisfied that having due regard to—

(i) the object of any public trust;

(ii) the purpose for which any land held by such public trust is used and the income from such land;

(iii) in the case of any educational institution, the extent of land required for teaching and demonstration purposes; and

(iv) such other matters as may be prescribed,

the operation of the provisions of this Act in respect of any land held by such public trust will not be in the interests of such public trust, they may, by notification and subject to such conditions, if any, as they may specify in the notification, exempt such land from the operation of all or any of the provisions of this Act.

[7th December 1961

(2) If, upon application or otherwise, the Government are satisfied that—

(i) the land or part thereof exempt by virtue of the notification issued under sub-section (1) is used for any purpose other than the purpose for which it was used on the date of the issue of such notification; or

(ii) the public trust has contravened or failed to comply with the conditions specified in such notification,

they may, in respect of the whole or any part of the land exempt by virtue of such notification, cancel such notification; and upon such cancellation, the whole or part of such land, as the case may be, shall again be subject to the operation of all the provisions of this Act.

CHAPTER VIII.

MISCELLANEOUS.

53. *Act to apply to certain portion of land held by public trust in cases where any interest is reserved in favour of the founder of such trust.*—(1) Where under the terms of a public trust any interest either in the land in respect of which the public trust is created or in the income from such land is reserved in favour of the founder of such public trust, or of any other person, the authorized officer shall declare the extent of land which bears to the total extent of land in respect of which the public trust is created, the same proportion as such interest bears to the total interest in such land or the income therefrom. The extent of the land so declared shall, with effect from the date of such declaration be deemed to be held by the founder or such other person and the provisions of this Act shall apply to the remaining extent of the land.

(2) The extent declared under sub-section (1) shall cease to be the trust property from the date of such declaration but shall be subject to any other liability that may be subsisting on such land :

Provided that the extent of such liability shall bear the same proportion to the entire liability as the extent so declared bears to the total extent.

54. *Power of Government to issue orders and directions to the authorized officer, etc.*—The Government may issue such orders and directions of a general character as they may consider necessary in respect of any matter relating to the powers and duties of the authorized officer and the Registrar. The authorized officer and the Registrar shall give effect to all such orders and directions.

7th December 1961]

55. *Transfer of proceedings from one authorized officer to another.*—(1) On the application of any of the parties or of his or its own motion,—

(*a*) the Collector of the district may, at any stage after giving the parties a reasonable opportunity of being heard, transfer any application or other proceeding under this Act pending before any authorized officer in the district for disposal to any other authorized officer in the same district;

(*b*) the Board of Revenue may, at any stage after giving the parties a reasonable opportunity of being heard, transfer any application or other proceeding under this Act pending before any authorized officer in any district for disposal to any other authorized officer in any other district.

(2) Where any application or proceeding has been transferred under sub-section (1), the authorized officer to whom such transfer is made may, subject to any special directions given in the order of transfer, either hold the enquiry *de novo* or proceed from the stage at which the said application or other proceeding stood when it was transferred.

56. *Costs.*—The costs of, and incidental to, all proceedings before the authorized officer, the Rent Court, the Rent Tribunal or other authority shall be in his or its discretion.

57. *Indemnity.*—No suit, prosecution or other legal proceeding shall lie against the authorized officer, the Registrar, the Rent Court, the Rent Tribunal or other authority for anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.

58. *Bar of jurisdiction of civil courts.*—Except as otherwise provided in this Act, no civil court, shall have jurisdiction to decide or deal with any question which is by or under this Act required to be decided or dealt with by the authorized officer, the Registrar, the Rent Court, the Rent Tribunal or other authority.

59. *Power to make rules.*—(1) The Government may make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

(*a*) all matters expressly required or allowed by this Act to be prescribed; . . . .

(*b*) the procedure to be followed by Rent Courts and Rent Tribunals;

(*c*) the matters to be taken into account in determining normal gross produce;

(*d*) the fees to be paid in respect of applications and appeals under this Act;

[7th December 1961

(e) the time within which appeals may be presented under this Act;

(f) the notification of prices of agricultural produce for the purpose of fixing the cash value of the fair rent;

(g) the rights and privileges to which a member of a tenant farming society shall be entitled and the obligations and liabilities to which such member shall be subject.

60. *Power to remove difficulties.*—If any difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion may require, by order, do anything which appears to them necessary for the purpose of removing the difficulty.

61. *Rules and orders to be placed before the Legislature.*—All rules made under section 59 and all orders issued under section 60 shall be published in the *Fort St. George Gazette* and, unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(2) Every rule made under section 59 and every order made under section 60 shall, as soon as possible after it is made, be placed on the table of both Houses of the Legislature, and if, before the expiry of the session in which it is so placed or the next session, both Houses agree in making any modification in any such rule or order or both Houses agree that the rule or order should not be made, the rule or order shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or order.

62. *Partial repeal of certain Acts.*—On and from the date of the commencement of this Act, the Madras Cultivating Tenants Protection Act, 1955 (Madras Act XXV of 1955) and the Madras Cultivating Tenants (Payment of Fair Rent) Act, 1956 (Madras Act XXIV of 1956) shall stand repealed in their application to a cultivating tenant in respect of any land held by him under a public trust.

SCHEDULE I.

[*See* section 2 (13) (*b*) (i)]

Serial number.	*District.*	*Taluk.*	*Revenue number and name of village.*
(1)	(2)	(3)	(4)
1	Chingleput	Saidapet	13. Grant Lyon.
2	Do.	Ponneri	146. Karathiputhur.
3	Do.	Do.	147. Kannarkottai.
4	Do.	Do.	150. Thervoy.
5	Do.	Do.	151. Kandigai.
6	Do.	Do.	180. Pappankuppam alias Alamelu-mangapuram.
7	Madras	Madras	121 Ikkattutangal.
8	Salem	Harur.	317. Hunisanahalli.
9	Do.	Do.	318. Sillarahalli.
10	Do.	Do.	321. Regadahalli.
11	Do.	Do.	322. Mottankurichi.

7th December 1961]

SCHEDULE II.

(*See* section 45.)

Serial number.	*Name of the society.*	*Name of the temple.*
(1)	(2)	(3)
	THANJAVUR DISTRICT.	
1	Vakkaramari Tenants Co-operative Farming Society.	Sri Kambahareswarar temple, Tirubuvanam, Kumbakonam taluk.
2	Melaramsethi Tenants Co-operative Farming Society.	Do.
3	Koilramapuram Tenants Co-operative Farming Society.	Sri Pasupathiswarar temple, Pandanallur, Kumbakonam taluk.
4	Araseri Tenants Co-operative Farming Society.	Do.
5	Sirukadambur Tenants Co-operative Farming Society.	Do.
6	Sri Thiagaraja Tenants Co-operative Farming Society.	Rajan Kattalai—attached to Sri Thiagarajaswamy, Thiruvarur, Nagapattinam taluk.
7	Brahannayaki Co-operative Tenants Farming Society.	Sri Bavaoushadiswarar Poonguli temple, Tiruthuraipundi.
8	Thillayadi Tenants Co-operative Farming Society.	Sri Sarnatharaikartharswamy, Thillayadi, Mayuram taluk.
9	Koilkadambanoor Tenants Co-operative Farming Society.	Sri Kailasanathaswamy temple, Koilkadambanur, Nagapattinam taluk.
10	Mangal Tenants Co-operative Farming Society.	Sri Manthrapuriswarar temple, Kovilur, Tiruthuraipundi taluk.
11	Valivalam Tenants Co-operative Farming Society.	Sri Hiruthayakamalanathaswamy temple, Valivalam.
12	Arulmozhipettai Tenants Co-operative Farming Society.	Sri Palace Devasthanam, Thanjavur town.
13	Pulimangalam Tenants Co-operative Farming Society.	Sri Panchanathiswarar temple, Tiruvaiyaru, Thanjavur district.
14	Sri Agniswarar Temple Tenants Co-operative Farming Society.	Sri Agniswaraswamy temple Thirupugalur, Nannilam taluk.
15	Maruvathur Tenants Co-operative Farming Society.	Sri Vaidyanathaswamy temple, Vaithiswarankoil, Sirkali taluk.
16	Kadirmangalam Tenants Co-operative Farming Society.	Do.
17	Navaneetheswarar Tenants Co-operative Farming Society.	Sri Navaneetheswaraswamy, Sikkil, Nagapattinam taluk.
18	Theethamput Tenants Co-operative Farming Society.	Do.
19	Tiruchenkattangudi Tenants Co-operative Farming Society.	Sri Rudrapathiswarar temple, Tiruchenkattangudi, Nannilam taluk.

[7th December 1961

Serial number. (1)	*Name of the society.* (2)	*Name of the temple.* (3)
	THANJAVUR DISTRICT—*cont.*	
20	Thennur Tenants Co-operative Farming Society.	Sri Sattanathaswami temple, Sirkali taluk.
21	Tiruvilandur Tenants Co-operative Farming Society.	Sri Parimalarenganathar temple, Tiruvilandur, Mayuram taluk.
22	Tirunellikaval Tenants Co-operative Farming Society.	Sri Nellivananathaswamy temple, Tirunellikaval Mannargudi taluk.
23	Tirunarayur Tenants Co-operative Farming Society.	Sri Srinivasaperumal Nachiyarkoil, Kumbakonam taluk.
24	Amaruviperumal Tenants Co-operative Farming Society.	Sri Amaruviperumal temple, Theralundur, Mayuram taluk.
25	Vedanayagi Tenants Co-operative Farming Society.	Sri Vedaranyeswarar temple, Vedaranyam, Tiruthuraipundi taluk.
26	Pandoormazhiyalpuram Tenants Co-operative Farming Society.	Do.
27	Undarkadu Tenants Co-operative Farming Society.	Sri Vedaranyeswarar temple. Vedaranyam, Tiruturai pundi taluk—*cont.*
28	Kunnalur Tenants Co-operative Farming Society.	Do.
29	Kadampattinam Tenants Co-operative Farming Society.	Do.
30	Natchatramalai Tenants Co-operative Farming Society.	Sri Amirthakadeswarar, temple, Thirukkadaiyur-Mayuram taluk.
31	Thirukkadayur Tenants Co-operative Farming Society.	Sri Amirthakadeswarar temple, Thirukkadayur, Mayuram taluk.
32	Vadarangam Tenants Co-operative Farming Society.	Sri Ranganathaperumal temple, Vedarangam.
33	Santhanaraman Tenants Co-operative Farming Society.	Sri Santhanaramaswamy temple, Needamangalam, Mannargudi taluk.
34	Thillaivilagam Tenants Co-operative Farming Society.	Sri Kothandaramaswamy temple, Thillaivilagam.
35	Kalukanimuttam Tenants Co-operative Farming Society.	Sri Parimalaranganathaswamy temple. Thiruvilandur, Mayuram taluk.
36	Sembiamahadevi Tenants Co-operative Farming Society.	Sri Kailasanathaswamy temple, Sembiamahadevi, Nagapattinam taluk.
37	Ottagad Tenants Co-operative Farming Society.	Sri Palace Devasthanam, Thanjavur.
38	Sowrirajaperumal Tenants Co-operative Farming Society.	Sri Sowrirajaperumal Thirukkannapuram. Nannilam taluk.
39	Sri Murugan Tenants Co-operative Farming Society.	Sri Subramaniaswamy temple, Ettikudi, Thanjavur district.
40	Sri Vedapuriswarar Tenants Co-operative Farming Society.	Sri Vedapuriswarar, temple, Theralundur, Mayuram taluk.
41	Pudukottagam Tenants Co-operative Farming Society.	Sri Soundareswaraswamy temple, Muthupet, Tiruthuraipundi taluk.
42	Thiruvoimur Tenants Co-operative Farming Society.	Sri Thyagarajaperumal temple, Thiruvoimur, Nagapattinam taluk.
43	Nemeli Tenants Co-operative Farming Society.	Sri Chokkanathaswamy temple, Mannargudi taluk

7th December 1961]

Serial number. (1)	*Name of the society.* (2)	*Name of the temple.* (3)
	THANJAVUR DISTRICT—*cont.*	
44	Pamani Tenants Co-operative Farming Society.	Sri Rajagopalaswamy temple, Mannargudi.
45	Kannamvedi Tenants Co-operative Farming Society.	Do.
46	Kuruvadi Village Tenants Co-operative Farming Society.	Do.
47	Mattiyur Tenants Co-operative Farming Society.	Sri Arunachalaswamy temple. Thiruppanandal, Kumbakonam taluk.
48	Tiruppanandal Tenants Co-operative Farming Society.	Do.
49	Thiruvalaputtoor Tenants Co-operative Farming Society.	Sri Rathinagiriswaraswamy Temple, Thiruvalaputhur.
50	Kuttalam Tenants Co-operative Farming Society.	Sri Ukthavad swarar temple Kuttalam, Mayuram taluk.
51	Saranathaswamy Temple Tenants Co-operative Farming Society.	Sri Saranathaperumal temple Thirucherai, Kumbakonam taluk.
52	Poovanur Tenants Co-operative Farming Society.	Sri Sathuranga Vallabanathaswamy Devasthanam, Poovanur, Mannargudi taluk.
	TIRUNELVELI DISTRICT.	
52	Chinthamaniperi Tenants Co-operative Farming Society.	Sri Sankaranarayanaswamy Devasthanam, Sankarankoil.
54	Sri Narambunathaswamy Tenants Co-operative Farming Society.	Sri Narumbunathaswamy temple, Thirupudaimaruthur, Ambasamudram taluk.
55	Sivagiri Tenants Co-operative Farming Society.	Sri R. K. Nachiar Endowments. Sivagiri, Sankarankoil taluk.
56	Sri Varadarajan Tenants Co-operative Farming Society.	Sri Varadarajaperumal temple, Melaviraragavapuram, Tirunelveli Junction.
57	Chinthamaniperi Tenants Co-operative Farming Society.	Sri Chintamaninathaswamy temple, Vasudevanallur, Sankarankoil taluk.
58	Thirukkuvalai Tenants Co-operative Farming Society.	Sri Courtalanathaswamy, Courtallam, Tirunelveli district.
59	Sri Thirumalaikumaraswamy Tenants Co-operative Farming Society.	Sri Thirumalaikumaraswamy temple, Panpoli, Tirunelveli district.
	RAMANATHAPURAM DISTRICT.	
60	Devadhanam Tenants Co-operative Farming Society.	Sri Nachadai Thavirtharuliaswamy Devasthanam. Devadanam, Ramanathapuram district.

[7th December 1961

Dissenting Minutes.

நில உச்ச வரம்பு மசோதா சட்ட சபையில் விவாதிக்கப்பட்ட பொழுது, இந்த மாநிலத்திலுள்ள கோயில்கள், மடங்கள், கல்விக் கூடங்கள் இவைகளுக்குச் சொந்தமான நிலங்களைக் கட்டுப்படுத்த பொதுவான ஒரு மசோதாவை விரைவில் கொண்டுவரப் போகின்றோம் என்று சர்க்கார் தரப்பில் அமைச்சர் அவர்கள் வாக்குறுதி கொடுத்தார்கள். நில உச்ச வரம்பு மசோதா தர்ம ஸ்தாபனங்களுக்குச் சொந்தமான நிலங்களைக் கட்டுப்படுத்தாத வகைக்கு அரசியல் சட்டத்தின் 26-வது பிரிவு தடையாக இருக்கிற தென்று சர்க்கார் தரப்பில் சட்டசபையில் தெரிவித்தபொழுது எதிர்க்கட்சியிலுள்ள நாங்கள் தனிப்பட்ட முறையில் தர்ம ஸ்தாபனங்களுக்குச் சொந்தமான நிலங்களைக் கட்டுப்படுத்து கின்ற வகையில் கொண்டுவரப்பட இருக்கின்ற புதிய மசோதா, அடிப்படை நோக்கத்தை நிறைவேற்றுது என்றும், இதனுல் நில மற்ற ஏழை விவசாயிகளுக்கு நிலத்தைச் சொந்தமாக்க முடியாது என்றும், அரசியல் சட்டத்தின் 26-வது பிரிவை மாற்றி அமைப் பதற்கு வேண்டிய முயற்சியில் சர்க்கார் ஈடுபடவேண்டும் என்றும் கூறினேம். அப்படிக் கூறியிருந்தும் இப்பொழுது பொது டிரஸ்டு கள் (விவசாய நிலங்கள்) நிர்வாகத்தை முறைப்படுத்துதல் என்று கொண்டு வந்திருக்கும் இந்த மசோதா ஆய்வுக் குழுவின் பரி சீலனைக்கு விட்டு ஆராயப்பட்டு, சட்டசபையின் அங்கீகாரத் திற்குக் கொண்டுவரப்படுகின்ற இந்த நேரத்தில் என்னுடைய ஆட்சேபணையைத் தெரிவிக்க விரும்புகிறேன்.

5-வது பிரிவு: இந்த மசோதாவில் எந்த பொது டிரஸ்டும் 10 ஸ்டாண்டர்டு ஏக்கராவிற்கு மேல் சொந்த சாகுபடி செய்யக் கூடாது என்று இருந்ததை, 20 ஸ்டாண்டர்டு ஏக்கரா வரையில் சொந்த சாகுபடி செய்யலாம் என்று ஆய்வுக் குழுவில் தீர்மானித் திருப்பது சரியல்ல. இதனுல் சட்டத்தின் அடிப்படை நோக்கமே தகர்த்தெரியப்படுகின்றது. பொதுவாக தர்ம ஸ்தாபனத்தின் நிலங்களை குத்தகைக்கு அல்லது வாரத்திற்கு விவசாயிகளுக்குச் சாகுபடிக்கு விட்டாலும் அதிலிருந்து கிடைக்கின்ற வருமானம் பூராவும் தர்ம ஸ்தாபனத்திற்கே போய்ச் சேருவதால் 10 ஸ்டாண்டர்டு ஏக்கராவை 20 ஸ்டாண்டர்டு ஏக்கராவாக உயர்த்தி யிருப்பது சரியல்ல என்றும் மறுபடியும் 10 ஸ்டாண்டர்டு ஏக்கரா என்றே நிர்ணயிக்க வேண்டும் என்றும் தெரிவித்துக் கொள் கிறேன். மேலும் ஒரு பொது தர்ம ஸ்தாபனத்திற்கு 10 ஸ்டாண் டர்டு ஏக்கராவிற்கு மேல் இருக்கக்கூடாது என்று மாற்றி அமைக்க வேண்டுமென்றும் தெரிவித்துக்கொள்கிறேன்.

19 (1)-வது பிரிவு: தர்ம ஸ்தாபனங்களுடைய நிலங்களைக் குத்த கைக்கோ, வாரத்திற்கோ பயிரிடுகின்ற குடியானவர்கள், டிரஸ்டு களுக்கு இந்த மசோதாவின் தொடக்கத் தேதியன்று தொகை செலுத்த வேண்டியிருந்து, அத்தேதியிலிருந்து ஒரு மாதத்திற்குள் செலுத்தத் தவறினுல் ஏழை விவசாயிகள் வெளியேற்றப்படுவார் கள் என்று இருப்பதை மாற்றி, குறைந்தது இரண்டு மாதத் தவணை யாவது கொடுக்கவேண்டுமென்று தெரிவித்துக்கொள்

7th December 1961]

கிறேன். இல்லையென்றால் ஏழை விவசாயிகள் நிலத்திலிருந்து வெளியேற்றப்படுகின்ற ஒரு பரிதாபகரமான நிலைதான் ஏற்படும் என்பதையும் தெரிவித்துக்கொள்ளுகிறேன்.

24 (2)-வது பிரிவு : மின்சார மோட்டார், பம்பு செட்டு ஆகிய வைகளை உபயோகப்படுத்தி நீர்ப்பாசனம் செய்து, விவசாயம் செய்தால் 40 சதவீதம் வாரம் கொடுக்கவேண்டும் என்று இருப் பதை மாற்றி 25 சத வீதமாகக் குறைக்கவேண்டும் என்று தெரிவித்துக்கொள்கிறேன். ஏனென்றால் வாரத்திற்குப் பயிரிடு கின்றவர்களே மின்சாரக் கட்டணத்தையும், பராமரிப்புச் செலவையும் ஏற்றுக்கொள்ள வேண்டியிருப்பதினால் 25 சத வீத மாகாக் குறைப்பது நலமென்று கருதுகிறேன்.

51 (5)-வது பிரிவு: தர்ம ஸ்தாபனங்களுக்குச் சொந்தமான நிலங்களில் விறகுக்கு உபயோகப்படுகின்ற மரங்கள் விளைந் திருந்தால் அவைகளுக்கு விதிவிலக்குக் கொடுத்திருப்பது முறை யற்றதாகும், இதனால் மேற்கொண்டு அதிகப்படியான நிலங்களில் தர்ம ஸ்தாபனங்கள் விறகுக்கான மரங்களைப் பயிரிட்டு இந்த மசோதாவிலிருந்து தப்பித்துக் கொள்வதற்கு ஒரு வழி ஏற்படும் என்றும், அதனால் விதிவிலக்கு கூடாது என்றும் தெரிவித்துக் கொள்கிறேன்.

52-வது பிரிவு : சர்க்கார் நினைத்தால் தர்ம ஸ்தாபனங்களுக்கு இந்த மசோதாவிலிருந்து விதிவிலக்கு கொடுப்பதற்கான அதிகாரத்தைக் கொடுத்திருப்பது சரியல்ல என்றும் இதனால் நிர்வாகத்திலுள்ள கட்சியினருக்குச் சாதகமாக உள்ள தர்ம ஸ்தாபனங்களுக்கு நியாயத்தை மீறியும் விதிவிலக்கு கொடுக் கின்ற ஒரு நிலைதான் ஏற்படும் என்றும் நான் கருதுகிறேன். ஆகவே சர்க்காருக்கு இந்த அதிகாரம் கொடுக்கக்கூடாது என்று நான் தெரிவித்துக்கொள்ளுகிறேன்.

இந்த மசோதா தர்ம ஸ்தாபனங்களுக்கும், மடாலயங்களுக் கும் பாதுகாப்பு அளிப்பதாக இருக்கிறதே தவிர, சமுதாயத் திலுள்ள ஏற்றதாழ்வுகளைப் போக்கு வதாக இல்லை என்பதைத் தெரிவித்துக்கொள்கிறேன். ஆகவே இந்த மசோதாவின் அடிப் படை நோக்கம் நிறைவேறுகின்ற அளவிற்கு நான் சொன்ன கருத்துக்களை மனதிற்கொண்டு சட்ட சபையில் இந்த மசோ தாவை, நிலமற்ற ஏழை விவசாயிகளுக்கும், நிலத்தில் நேர்முகமாக இறங்கி உழைக்கின்ற உழவர் சமுதாயத்திற்கும், பொருளாதாரத் துறையில் முன்னேறுகின்ற வகையில், நிறைவேற்றித் தரவேண்டு மென்று சட்டசபை அங்கத்தினர்களைக் கேட்டுக்கொள்கிறேன்.

M. SELVARAJ,
Member, Legislative Assembly.